

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39604 of 2022

Arising Out of PS. Case No.-112 Year-2022 Thana- NAWANAGAR District- Buxar

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1. Hakik Ahmad Son of Hafij Miyan Resident of vill- Chanawath, P.s.- Nawanagar, Dist.- Buxar
 2. Santosh Kumar Son of Kashi Nath Singh Resident of vill- Chanawath, P.s.- Nawanagar, Dist.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-12-2022 Learned counsel for the petitioners is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 406, 420/34 of the Indian Penal Code

As per prosecution case, the allegation against the petitioners is that they have jointly withdrawn Rs. 9,28,150/- for carrying out construction work under the Chief Minister Drinking Water Scheme but they retracted from the contract.



Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. that the petitioners jointly withdrawn Rs. 9,28,150/- with regard to the construction work of Chief Minister Drinking Water Scheme and they have completed the work of Rs. 5,38,368/- only and the rest amount of Rs. 3,89,800/- has been deposited in the account of Gram Panchayat, Vaina on 22.04.2022.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner but fairly submits that in paragraph-71 of the case diary it has been mentioned that the petitioners have deposited the rest amount in question.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Nawanagar P.S. Case No. 112 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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